



U.S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICE

**SUPPLEMENTAL INFORMATION
DISCLOSURE STATEMENT**

Docket Number:
1662/604078

Application Number
10/635,337

Filing Date
August 6, 2003

Examiner
To Be Assigned

Art Unit
1614

Invention Title
NOVEL CRYSTALLINE FORMS
OF GATIFLOXACIN

Inventors
NIDDAM-HILDESHEIM et al.

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Commissioner for Patents
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I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

Date: 9-7-04

Signature: Bernadette DiSenna

1. In accordance with the duty of disclosure under 37 C.F.R. § 1.56 and in conformance with the procedures of 35 U.S.C. §§ 1.97 and 1.98 and M.P.E.P. § 609, attorneys for Applicants hereby bring the following references to the attention of the Examiner. These references are listed on the attached modified PTO Form No. 1449. It is respectfully requested that the information be expressly considered during the prosecution of this application, and that the references be made of record therein and appear among the "References Cited" on any patent to issue therefrom. The filing of this Information Disclosure Statement and the enclosed PTO Form No. 1449, shall not be construed as an admission that the information cited is prior art, or is considered to be material to patentability as defined in 37 C.F.R. § 1.56(b).
2. A copy of each patent, publication or other information listed on the modified PTO Form No. 1449 is enclosed, unless otherwise indicated.
3. It is believed that no fees are due in connection with this Information Disclosure Statement. However, should any fees be due, the Commissioner is authorized to charge Deposit Account No. 11-0600 for such fees. A copy of this communication is enclosed for charging purposes.

Dated: Sept 3, 2004

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DISCLOSURE STATEMENT
BY APPLICANT
PTO-1449**

ATTY. DOCKET NO.
1662/604078

SERIAL NO.
10/635,337

APPLICANT
NIDDAM-HILDESHEIM et al.

FILING DATE
August 6, 2003

GROUP
1614

U. S. PATENT DOCUMENTS

| EXAMINER INITIAL | PATENT NUMBER | PATENT DATE | NAME | CLASS | SUBCLASS | FILING DATE* |
|------------------|---------------|--------------|------------------|-------|----------|--------------|
| | 5,880,283* | Mar. 9, 1999 | Matsumoto et al. | | | |
| | 6,413,969* | July 2, 2002 | Raghavan et al. | | | |

*A copy of the U.S. patent is not enclosed, since the present application was filed after June 30, 2003.

FOREIGN PATENT DOCUMENTS

| EXAMINER INITIAL | DOCUMENT NUMBER | DATE | COUNTRY | CLASS | SUBCLASS | TRANSLATION |
|------------------|-----------------|------------------|---------|-------|----------|-------------|
| | | | | | | YES NO |
| | WO 03/086402 | October 23, 2004 | PCT | | | N/A |
| | | | | | | |
| | | | | | | |

OTHER DOCUMENTS

| EXAMINER INITIAL | AUTHOR, TITLE, DATE, PERTINENT PAGES, ETC. |
|------------------|---|
| | John Halebian et al., "Pharmaceutical Applications of Polymorphism," Journal of Pharmaceutical Sciences, Vol. 58, No. 8, August 1969, pp. 911-929 |
| | John K. Halebian, "Characterization of Habits and Crystalline Modification of Solids and Their Pharmaceutical Applications," Journal of Pharmaceutical Sciences, Vol. 64, No. 8, August 1975, pp. 1269-1288 |
| | G. Michael Wall, "Pharmaceutical Applications of Drug Crystal Studies," Pharmaceutical Manufacturing, Vol. 3, No. 2, February 1986, pp. 33-42 |

| EXAMINER | DATE CONSIDERED |
|---|-----------------|
| EXAMINER: Initial if citation considered, whether or not citation is in conformance with M.P.E.P. 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. | |